

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
September 15, 2009

The City Council convened in Regular Session on Tuesday, September 15 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench presiding, and the Honorable Mayor Patricia M. York, and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: None The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #47000

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

RESOLUTIONS/AWARDS/PROCLAMATIONS

Recognition of the Selected Charities that Received Funding from the Proceeds of the 2009 Mayor's Charity Golf Tournament

The Honorable Mayor Patricia M. York recognized the following recipients of proceeds from the 2009 Mayor's Charity Golf Tournament:

- *Meals on Wheels*. Bill Fletcher, Madelyn Lester, and Eileen Cushman provided an explanation of the organization and accepted the check in the amount of \$6,000
- *Foster Adoption Support Group*. Vicki Houska and Chris Grissom provided an explanation of the organization and accepted the check in the amount of \$8,000

Proclamation Recognizing and Congratulating Gary Markenson on his Upcoming Retirement from the Missouri Municipal League

The Honorable Mayor Patricia M. York read a proclamation recognizing and congratulating Gary Markenson on his upcoming retirement from the Missouri Municipal League.

A Resolution of the City of St. Charles, Missouri, Recognizing the Significant Professional Achievements of the Director of The Missouri Municipal League Gary S. Markenson (*Sponsors: All Members of the City Council*)

Passed "Aye": Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, and Beckering
 "Nay": None
 Absent: None

Approved by the Honorable Mayor on September 18, 2009, and is known as **Resolution R09-20**

A Resolution Authorizing the City of St. Charles to Submit an Electronic Copy of the Project Description Narrative to Continue Participation in the Homeless Challenge Program with the Missouri Department of Social Services, Family Support Division, for the Period of October 1, 2009 Through September 30, 2010 (*Sponsor: Jerry Reese*)

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Passed "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison,
Veit, Weller, Beckering, and Ermeling
"Nay": None
Absent: None

Approved by the Honorable Mayor on September 18, 2009, and is known as **Resolution R09-21**

A Resolution Authorizing the City of Saint Charles, Missouri, to Apply For A Federal Fiscal Year 2010 Historic Preservation Fund Grant and Authorizing the Mayor and City Clerk to Sign All Necessary Documents On Behalf Of Applicant
(Sponsor: *Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,
Beckering, Ermeling, and Feldman
"Nay": None
Absent: None

Approved by the Honorable Mayor on September 18, 2009, and is known as **Resolution R09-22**

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Festival of the Little Hills

Linda Jackson Regot, Chairperson of the Festival of the Little Hills, appeared with members of the Festival of the Little Hills Committee, and thanked the City for their participation in the Festival of the Little Hills; and presented Certificates of Appreciation to the Convention & Visitors Bureau, Police Department, Parks & Recreation Department, Fire Department, Public Works Department (Street Division, Water Division, and Maintenance Division), and Finance Department).

BILLS FOR FINAL PASSAGE

Bill 9974 (Withdrawn)

An Ordinance Authorizing the City of St. Charles, Missouri, to Issue its Taxable Industrial Revenue Bonds (MiTek Industries, Inc. Project), Series 2009, in a Principal Amount not to Exceed \$10,124,750 for the Purpose of Providing Funds to Pay the Costs of Purchasing, Constructing, Installing, and Equipping a Facility for an Industrial Development Project in the City; Approving a Plan for the Project; and Authorizing the Mayor to Enter into Certain Agreements and Take Certain Other Actions in Connection with the Issuance of the Bonds (Sponsor: *Michael Klinghammer*)

Sponsor Michael Klinghammer withdrew Council Bill 9974 from Council consideration.
File #47216

Bill 10011 (Supplemental RCA)

An Ordinance Authorizing a Lease Agreement Between the City of St. Charles and Norfolk Southern Railway Company for the Purpose of Maintaining a Non-Exclusive Roadway to Serve 2420 North Sixth Street for Period of Nine (9) Years in a Total

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Amount Not to Exceed \$18,000.00 (*Sponsors: Erv Ermeling, Larry Muench, Michael Klinghammer, Jerry Reese, Ron Stivison, and Richard Veit*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
 Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on September 18, 2009, and is known as **Ordinance 09-173**

Bill 10014

An Ordinance Finding and Declaring that the Acquisition of Certain Lands for the Bridge Culvert Maintenance Project (Muegge Road at Spring Oak; Muegge Road at Hackmann Road; Muegge Road at Timberidge; and Zumbahl Road) is Declared to be Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land. (*Sponsor: Erv Ermeling*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
 Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on September 18, 2009, and is known as **Ordinance 09-174**

Bill 10015

An Ordinance Amending the Planned Development Agreement Between the City of St. Charles and Schaeffer Homes and Associates, Inc. by Extending the Completion Date of Sales and Construction of New Homes in Bogey Club (*Sponsor: Jerry Reese*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering,
 Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on September 18, 2009, and is known as **Ordinance 09-175**

Bill 10016 (Amended)

An Ordinance Amending Chapter 154 of the Code of Ordinances by Deleting Section 154.055 and Inserting a New Section 154.055 Pertaining to Improvements Installed and Guaranteed (*Sponsor: Erv Ermeling*)

A motion was made by ERV ERMELING to amend Council Bill 10016 to expand the use of the word “subdivision” to be inclusive of all developments by replacing it with “development”. LAURIE FELDMAN seconded the motion. All voted in favor, motion passed.

Bill 10017

An Ordinance Ordering That Assessments Be Made Against Benefited Properties Situated Within the Streets of St. Charles at Noah's Ark Neighborhood Improvement District Based Upon Estimated Costs of Certain Proposed Improvements Within the District; Ordering Preparation of an Assessment Roll; and Calling for a Public Hearing

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and Providing Direction for the Giving of Notice Thereof; All Pursuant to the Neighborhood Improvement District Act (*Sponsors: Bob Kneemiller and Laurie Feldman*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on September 18, 2009, and is known as **Ordinance 09-176**

Bill 10018

An Ordinance Approving the Delivery of Not to Exceed \$23,500,000 Aggregate Principal Amount of Refunding Certificates of Participation (City of St. Charles, Missouri, Lessee), Series 2009, the Proceeds of Which Will be Used to Pay the Costs of Refunding Outstanding Lease Obligations Relating to the City’s Water, Stormwater, and Sewerage Systems and Costs Related Thereto; and Authorizing the Execution of Certain Documents and Actions in Connection Therewith (*Sponsor: Larry Muench*)

A separate vote was taken on Council Bill 10018, with the following results:

Passed “Aye”: Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, and Kneemiller
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on September 15, 2009, and is known as **Ordinance 09-172**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10021

An Ordinance Approving an Administrative Regulation Relating to Reimbursement for Footwear – Safety Sensitive Positions (*Sponsor: Erv Ermeling*)

Bill 10022

An Ordinance Authorizing First Amendment to License Agreement Dated July 11, 2000 with New Cingular Wireless PCS, LLC (Formerly AT&T Wireless Services, Inc., d/b/a AT&T Wireless Services) for the Operation of Telecommunication Equipment in Wapelhorst Park Located at 1879 Muegge Road (*Sponsors: Laurie Feldman and Michael Weller*)

Bill 10023

An Ordinance Finding and Declaring that the Acquisition of Certain Lands for the Ridgeview and Hawthorne Sidewalk Project is Declared to be Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsor: Dave Beckering*)

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Bill 10024

An Ordinance Repealing Ordinance 09-163 and Enacting a New Ordinance to Repeal Section 38.01 of the Code Ordinances and Enact a New Section 38.01 Establishing Ward Boundaries (*Sponsor: Michael Weller*)

Bill 10025

An Ordinance Authorizing an Agreement with the U.S. Department of Justice for Receipt of the 2009 Recovery Act Justice Assistance Grant (JAG) Funds (*Sponsor: Larry Muench*)

Bill 10026

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions on Both Sides of the Alley Which is Between and Parallel to First Capitol Drive and Jackson Street from the Western Curb Line of Seventh Street West 160 Feet (*Sponsors: Erv Ermeling, Larry Muench, Michael Klinghammer, Jerry Reese, Ron Stivison*)

Bill 10027

An Ordinance Approving the Record Plat for Resubdivision of Adjusted Outlot A of Hill Pointe Villas PD-R, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Laurie Feldman*)

Bill 10028

An Ordinance Authorizing an Agreement with the State of Missouri, Division of Family Services, for Receipt and Disbursement of Emergency Shelter Grant Funds on Behalf of the Women's Center of Bridgeway Counseling for Fiscal Year April 1, 2009 Through March 31, 2010 (*Sponsor: Jerry Reese*)

Vice President of the Council Laurie Feldman requested that her name be added as a sponsor.

Bill 10029

An Ordinance Authorizing the City of St. Charles, Missouri, to Issue its Taxable Industrial Revenue Bonds (MiTek Industries, Inc. Project), Series 2009, in a Principal Amount Not to Exceed \$7,124,750 for the Purpose of Providing Funds to Pay the Costs of Purchasing, Constructing, Installing and Equipping a Facility for an Industrial Development Project in the City; Approving a Plan for the Project; and Authorizing the Mayor to Enter into Certain Agreements and Take Certain Other Actions in Connection with the Issuance of the Bonds. (*Sponsor: Michael Klinghammer*)

Bill 10030

An Ordinance Amending Chapter 119 of the Code of Ordinances of the City of St. Charles, by Deleting the Subchapter Entitled "Vendors in Main Street Mall and Other Locations" in its Entirety as Enacting a New Subchapter Consisting of Eight (8) Sections Relative to Mobile Vending Carts on Main Street (*Sponsor: Richard Veit*)

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Councilmember Bob Kneemiller requested that Staff prepare a bullet point summary of the provisions included in Council Bill 10030. President of the Council Larry Muench requested that a copy of Council Bill 10030 be forwarded to the Special Business District and to the Historic Downtown District Association.

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Waiver of Water and Sanitary Tap Fees for Lewis & Clark Vocational School for the Construction of a Single Family Residential Home Located at #18 Expedition Trails

A motion was made by JERRY REESE to waive the water and sanitary sewer tap fees for Lewis & Clark Vocational School for the construction of a single family residential home located at #18 Expedition Trails. ERV ERMELING seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: None. Motion passed.
File #47217

CONSENT AGENDA

A motion was made by DAVE BECKERING to receive and approve the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of August 18, 2009
2. Regular Council Meeting of September 1, 2009
3. Public Hearing of September 1, 2009

File #47218

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. Council Work Session of August 11, 2009
 - b. Council Work Session of September 1, 2009
 - c. Council Work Session of September 8, 2009 (6:30 p.m.)

File #47016

File #47016

File #47016

2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session of August 11, 2009
 - i. Motion to Bring Forward an Amendment to the Frenchtown Historic Commercial District to Allow the Expansion of Auto Businesses with Limited/Minimal Impact by Approval of a Conditional Use

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	b.	Council Work Session of September 1, 2009 (<i>none</i>)
	c.	Council Work Session of September 8, 2009 (6:30 p.m.) (<i>none</i>)
C.		Receipt of Reports from Boards, Commissions or Committees
File #47099	1.	St. Charles Park & Recreation Board Meeting of August 5, 2009
File #47099	2.	St. Charles Park & Recreation Board Special Work Session Meeting of August 12, 2009
File #47099	3.	St. Charles Park & Recreation Board Special Work Session Meeting of August 26, 2009
File #47041	4.	Board of Adjustment Meeting of August 10, 2009
File #47219	5.	Human Relations Commission Meeting of January 8, 2009
File #47219	6.	Human Relations Commission Meeting of February 5, 2009
File #47219	7.	Human Relations Commission Meeting of March 5, 2009
File #47219	8.	Human Relations Commission Meeting of April 2, 2009
File #47219	9.	Human Relations Commission Meeting of May 7, 2009
File #47219	10.	Human Relations Commission Meeting of June 4, 2009
File #47219	11.	Human Relations Commission Meeting of July 9, 2009
File #47100	12.	Special Business District Advisory Board Meeting of May 7, 2009
File #47100	13.	Special Business District Advisory Board Meeting of June 4, 2009
File #47100	14.	Special Business District Advisory Board Meeting of July 2, 2009
File #47100	15.	Special Business District Advisory Board Meeting of July 7, 2009
	a.	Motion to Approve a \$7,500 Contribution to Christmas Traditions
	b.	Motion to Approve the 2010 SBD Budget with \$25,000 Allocated to Promotions and \$25,000 Allocated to Capital Improvements
File #47100	16.	Special Business District Advisory Board Meeting of August 6, 2009
File #47100	17.	Planning and Zoning Commission Meeting of July 27, 2009
File #47058		

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- File #47027 18. Bicentennial Committee Meeting of June 1, 2009 4:30 p.m.
- File #47027 19. Bicentennial Committee Meeting of June 1, 2009 5:30 p.m.
a. Motion to Approve the 1860 Baseball Era Game
- File #47220 D. Receipt of Reports of the Director of Administration
1. Request to Fill the Part-Time Position in the Municipal Court
- File #47221 E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with Patterson Construction for Concrete Repair Services for Street Division for 2009-2010 in an amount not to exceed \$50,000.00
- File #47222 2. Contract with Truck Centers, Inc. for the Purchase of One 2010 Freightliner M2-106C for the Water Division in an Amount not to Exceed \$56,996.00
- File #47223 3. Change Order No. 2 to the Contract with R. V. Wagner Construction Company, Inc. for Construction Costs Associated with the Daniel Boone Monument Plaza Project in an Amount not to Exceed \$6,2700; Total Contract Amount \$60,066.35
- F. Preliminary Plats
None
- File #47056 G. Miscellaneous
1. Report of Court Administrator of Monies Collected and Deposited During the Month of August 2009
- File #47005 2. Approval of Liquor License for Janet Kha, d/b/a: Hunan Dragon, located at 2009 Zumbahl Road
- File #47005 3. Approval of Liquor License for Robert Forsyth, d/b/a: MotoMart #3369 located at 3750 New Town Blvd.
- File #47005 4. Approval of Liquor License for Michael Heuschober, d/b/a: Kronik Chill, located at 3303-1 Rue Royale
- File #47005 5. Approval of Liquor License for John Christensen, d/b/a: Hope Lutheran Church, located at 1975 Old Highway 94 South

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REPORT OF THE MAYOR

Appointments to Boards and Commissions

A motion was made by DAVE BECKERING to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Early Childhood Care Advisory Commission: Re-appointment of Arletha McCoy for a three-year term ending in September, 2012.

Special Business District Advisory Board: Appointment of Gail Zumwalt to fill a vacant term ending in November, 2010. Appointment of April Feldwerth to fill the vacant term of Karen House ending in November, 2011.

LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, and Stivison. "Nay": None. Absent: None. Motion passed.
File #47006

Written and/or Verbal Messages from the Mayor

St. Charles Fashion Week. The Honorable Mayor Patricia M. York announced that St. Charles Fashion Week is currently being held throughout St. Charles.

Music on Main. The Honorable Mayor Patricia M. York announced that the last Music on Main for 2009 is scheduled for Wednesday, September 16, 2009, in the 100-300 Block of North Main Street.

Mosaics Art Festival. The Honorable Mayor Patricia M. York announced that the Mosaics Art Festival is scheduled for the weekend of September 18-20, 2009, on North Main Street.

Irish Festival. The Honorable Mayor Patricia M. York announced that the Irish Festival is scheduled for the weekend of September 18-20, 2009, in Frontier Park.

Oktoberfest. The Honorable Mayor Patricia M. York announced that Oktoberfest is scheduled for the weekend of September 25-27, 2009.

St. Charles Night Out The Honorable Mayor Patricia M. York announced that St. Charles Night Out is scheduled for Wednesday, September 23, 2009.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Sister Cities Dinner Dance. Councilmember Jerry Reese announced that the Sister Cities Dinner Dance is scheduled for Friday, October 2, 2009, at Stegtons.

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Divas Build a Dreamhouse (Habitat for Humanity). Vice President of the Council Laurie Feldman announced that the dedication of the first all-women built home is scheduled for September 19, 2009.

Dedication of Vogt Park Vice President of the Council Laurie Feldman announced that the dedication of Vogt Park is scheduled for September 23, 2009 as part of the Neighborhood Night Out; and that the Parks Department is hosting a planting event in Vogt Park on September 26, 2009.

Dedication of the Eco Park. Vice President of the Council Laurie Feldman announced that the dedication of the Eco Park is scheduled for September 30, 2009.

TABLED BILLS/PUBLIC HEARINGS

Bill 10013

An Ordinance Amending Chapter 113 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 113.02, 113.03, 113.15, 113.19, 113.30, 113.35 and 113.40 to Reduce the License Tax for Electricity, Gas and Telephone; Eliminate the Refund of License Fees to Elderly Residents; and Provide Effective Dates Thereof. (Sponsors: Dave Beckering and Richard Veit)) ***(Tabled at the September 1, 2009, Regular Council Meeting)***

There was no action taken on Council Bill 10013

APPROVAL OF CLOSED MINUTES

A motion was made by BOB KNEEMILLER to approve the following Closed Session Minutes. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit. "Nay": None. Absent: None. Motion passed.

- A. Council Work Session of July 7, 2009 (6:00 p.m.) relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2; hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- B. Regular Council Meeting of July 7, 2009 (8:00 p.m.) relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2; hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

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- C. Regular Council Meeting of July 7, 2009 (9:00 p.m.) relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore (RSMo 610.021.2; hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- D. Council Work Session of July 21, 2009 (6:00 p.m.) relative to legal actions, causes of action, or litigation (RSMo. 610.021.1); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12); with the following results: "Aye": Beckering, Erneling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller. "Nay": None. Absent: None. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:08 p.m.

October 13, 2009
Date Approved

Marilyn X. McCoy
City Clerk

L. A. Muench
Larry Muench, Presiding Officer